

GRANDE-BRETAGNE
ET IRLANDE DU NORD,
AUSTRALIE,
NOUVELLE-ZÉLANDE,
UNION SUD-AFRICAINE
ET INDE ET PORTUGAL

Convention additionnelle au Traité
d'extradition du 17 octobre 1892,
signée à Lisbonne, le 20 janvier
1932, et échange de notes y
relatif de la même date.

GREAT BRITAIN
AND NORTHERN IRELAND,
AUSTRALIA, NEW ZEALAND,
UNION OF SOUTH AFRICA
AND INDIA AND PORTUGAL

Convention Supplementary to the
Extradition Treaty of October 17,
1892, signed at Lisbon, January
20, 1932, and Exchange of Notes
relating thereto of the same Date.

TEXTE PORTUGAIS. — PORTUGUESE TEXT.

No. 3269. — CONVENTION¹ BETWEEN HIS MAJESTY, IN RESPECT OF THE UNITED KINGDOM, AUSTRALIA, NEW ZEALAND, SOUTH AFRICA AND INDIA AND THE PRESIDENT OF THE PORTUGUESE REPUBLIC SUPPLEMENTARY TO THE EXTRADITION TREATY OF OCTOBER 17, 1892. SIGNED AT LISBON, JANUARY 20, 1932.

Nº 3269. — CONVENÇÃO¹ SUPLEMENTAR DO TRATADO DE EXTRADIÇÃO DE 17 DE OUTUBRO DE 1892, CONCLUÍDA ENTRE O GOVERNO DE SUA MAJESTADE, CONCERNENTE A GRAN BRATANHA, AUSTRALIA, DOMINIO DA NOVA ZELANDIA, UNIÃO SUL AFRICANA E INDIA, E O GOVERNO DA REPUBLICA PORTUGUÊSA. ASSINADA EM LISBOA EM 20 DE JANEIRO DE 1932.

Textes officiels anglais et portugais communiqués par le secrétaire d'Etat aux Affaires étrangères de Sa Majesté en Grande-Bretagne. L'enregistrement de cette convention a eu lieu le 20 septembre 1933.

English and Portuguese official texts communicated by His Majesty's Secretary of State for Foreign Affairs in Great Britain. The registration of this Convention took place September 20, 1933.

HIS MAJESTY THE KING OF GREAT BRITAIN, IRELAND AND THE BRITISH DOMINIONS BEYOND THE SEAS, EMPEROR OF INDIA, and THE PRESIDENT OF THE PORTUGUESE REPUBLIC,

Being desirous of amending Article 3 of the Treaty² for the Extradition of Fugitive Criminals which was signed at Lisbon on the 17th October 1892,

Have resolved to conclude a supplementary Convention for that purpose and to that end have appointed as their plenipotentiaries :

SUA MAJESTADE O REI DA GRAN BREITANHA, IRLANDA E DOMINIOS BRITÂNICOS DE ALÉM MAR, IMPERADOR DA INDIA, e o PRESIDENTE DA REPÚBLICA PORTUGUÊSA,

Animados do desejo de modificar o Artigo 3 do Tratado² de Extradicação de criminosos foragidos da justiça assinado em Lisboa em 17 de Outubro de 1892,

Resolveram para esse efeito concluir uma convenção suplementar e com esse fim nomearam seus Plenipotenciarios :

¹ L'échange des ratifications a eu lieu à Lisbonne, le 29 décembre 1932.

La convention est entrée en vigueur le 10 juillet 1933.

² DE MARTENS, *Nouveau Recueil général de Traités*, deuxième série, tome XXII, page 321.

¹ The exchange of ratifications took place at Lisbon, December 29, 1932.

The Convention came into force July 10, 1933.

² *British and Foreign State Papers*, Vol. 84, page 83.

HIS MAJESTY THE KING OF GREAT BRITAIN, IRELAND AND THE BRITISH DOMINIONS BEYOND THE SEAS, EMPEROR OF INDIA,

FOR GREAT BRITAIN AND NORTHERN IRELAND :

His Excellency Sir Claud RUSSELL, his Ambassador Extraordinary and Plenipotentiary to the Portuguese Republic ;

FOR THE COMMONWEALTH OF AUSTRALIA :

His Excellency Sir Claud RUSSELL, his Ambassador Extraordinary and Plenipotentiary to the Portuguese Republic ;

FOR THE DOMINION OF NEW ZEALAND :

His Excellency Sir Claud RUSSELL, his Ambassador Extraordinary and Plenipotentiary to the Portuguese Republic ;

FOR THE UNION OF SOUTH AFRICA :

His Excellency Sir Claud RUSSELL, his Ambassador Extraordinary and Plenipotentiary to the Portuguese Republic ;

FOR INDIA :

His Excellency Sir Claud RUSSELL, his Ambassador Extraordinary and Plenipotentiary to the Portuguese Republic ;

THE PRESIDENT OF THE PORTUGUESE REPUBLIC :

His Excellency Commander Fernando Augusto BRANCO, Minister for Foreign Affairs ;

Who, having communicated to each other their full powers, found in good and due form, have agreed as follows :

Article 1.

Article 3 of the Extradition Treaty of the 17th October, 1892, is hereby cancelled and the following provisions are substituted in lieu thereof :

“ The High Contracting Parties shall not in any case or under any pretext be compelled to surrender their own subjects

SUA MAJESTADE O REI DA GRAN BRETANHA, IRLANDA E DOMINIOS BRITÂNICOS DE ALÉM MAR, IMPERADOR DA INDIA :

PELA GRAN BRETANHA E IRLANDA DO NORTE :

Sua Excelencia Sir Claud RUSSELL, Embaixador Extraordinario e Plenipotenciario de Sua Majestade junto da República Portuguesa ;

PELO COMMONWEALTH DA AUSTRALIA :

Sua Excelencia Sir Claud RUSSELL, Embaixador Extraordinario e Plenipotenciario de Sua Majestade junto da República Portuguesa ;

PELO DOMINIO DA NOVA ZELANDIA :

Sua Excelencia Sir Claud RUSSELL, Embaixador Extraordinario e Plenipotenciario de Sua Majestade junto da República Portuguesa ;

PELA UNIÃO SUL AFRICANA :

Sua Excelencia Sir Claud RUSSELL, Embaixador Extraordinario e Plenipotenciario de Sua Majestade junto da República Portuguesa ;

PELA INDIA :

Sua Excelencia Sir Claud RUSSELL, Embaixador Extraordinario e Plenipotenciario de Sua Majestade junto da República Portuguesa ;

O PRESIDENTE DA REPÚBLICA PORTUGUÊSA :

Sua Excelencia o Senhor Comandante Fernando Augusto BRANCO, Ministro dos Negócios Estrangeiros ;

Os quais tendo trocado os respectivos Plenos Poderes, que acharam em boa e devida forma, convieram no seguinte :

Artigo 1.

Fica pelo presente Acôrdo revogado o Artigo 3 do Tratado de Extradicação de 17 de Outubro de 1892, o qual é substituído pelas seguintes disposições :

“ As Altas Partes Contratantes não serão, em caso algum nem com qualquer fundamento obrigadas a fazer entrega dos

or citizens, whether by birth or by naturalisation, provided that the naturalisation took place previous to the commission of the crime or offence giving rise to the application for extradition."

seus proprios nacionais quer estes o sejam por nascimento quer por naturalisação se esta fôr anterior ao crime ou delito que serve de fundamento ao pedido de extradição."

Article 2.

The present Convention shall be ratified and the ratifications shall be exchanged at Lisbon as soon as possible.

It shall come into force ten days after its publication in conformity with the forms prescribed by the laws of the High Contracting Parties, and shall have the same force and duration as the Treaty to which it relates.

In witness whereof the respective Plenipotentiaries have signed the present Convention, and have affixed thereto their seals.

Done in duplicate at Lisbon, the 20th day of January, 1932.

Artigo 2.

A presente Convenção será ratificada e a troca das ratificações realizar-se-há em Lisboa o mais brevemente possível.

A Convenção entrará em vigor dez dias depois da sua publicação feita de harmonia com as formas prescritas pelas leis de cada uma das Altas Parties Contratantes, e terá a mesma validade e duração que o Tratado a que diz respeito.

Em testemunho do que os respectivos Plenipotenciarios assinaram a presente Convenção e lhe apuzeram os seus selos.

Feito em duplicado em Lisboa, em 20 de Janeiro de 1932.

For Great Britain and Northern Ireland :

Claud RUSSELL.

Pela Gran Bretanha e Irlanda do Norte :

For the Commonwealth of Australia :

Claud RUSSELL.

Pelo Commonwealth da Australia :

For the Dominion of New Zealand :

Claud RUSSELL.

Pelo Dominio da Nova Zelandia :

For the Union of South Africa :

Claud RUSSELL.

Pela União Sul Africana :

For India :

Claud RUSSELL.

Pela India :

For Portugal :

Fernando Augusto BRANCO.

Por Portugal :

EXCHANGE OF NOTES.

No. 1.

COMMANDER BRANCO TO SIR CLAUD RUSSELL.

TEXTE PORTUGAIS. — PORTUGUESE TEXT.

¹ TRADUCTION. — TRANSLATION.

MINISTÉRIO
DOS NEGÓCIOS ESTRANGEIROS.

MINISTRY
OF FOREIGN AFFAIRS.

LISBOA, 20 de Janeiro de 1932.

LISBON, January 20, 1932.

SENHOR EMBAIXADOR,

M. L'AMBASSADEUR,

Com referencia á Convenção assinada hoje, modificando o teor do Artigo 3 do Tratado de Extradicação de 17 de Outubro de 1892, tenho a honra de declarar, a fim de ficar devidamente consignado, que essa modificação não importa qualquer alteração, da parte do Governo da República, na prática invariavelmente seguida de não entregar os seus nacionais, ficando também entendido que esta prática não poderá servir de fundamento á recusa de qualquer extradição por parte de qualquer dos Governos de Sua Majestade interessados, nomeadamente, os Governos de Sua Majestade no Reino Unido da Gran Bretanha e Irlanda do Norte, no Commonwealth da Australia, na Nova Zelândia, na União Sul Africana, ou o Governo da India.

2. Muito agradeceria a V. Ex^{ca}. se dignasse confirmar a exactidão desta interpretação sóbre o alcance do novo Artigo 3.

Aproveito, etc.

Fernando Augusto BRANCO.

With reference to the Convention signed to-day, modifying the tenor of Article 3 of the Extradition Treaty of the 17th October, 1892, I have the honour to state, in order that it may be duly recorded, that the modification in question does not amount to an alteration, on the part of the Government of the Republic, in the practice invariably followed of not surrendering its nationals, it being also understood that this practice cannot serve as a basis for the refusal of any extradition on the part of any of His Majesty's Governments concerned, namely, His Majesty's Governments in the United Kingdom of Great Britain and Northern Ireland, the Commonwealth of Australia, New Zealand, the Union of South Africa, or the Government of India.

2. I should be greatly obliged to your Excellency if you would be so good as to confirm the correctness of this interpretation of the scope of the new Article 3.

I avail, etc.

Fernando Augusto BRANCO.

¹ Traduction du Foreign Office de Sa Majesté britannique.

¹ Translation of His Britannic Majesty's Foreign Office.

No. 2.

SIR CLAUD RUSSELL TO COMMANDER BRANCO.

BRITISH EMBASSY.

LISBON, *January 20, 1932.*

MONSIEUR LE MINISTRE,

I have the honour to acknowledge the receipt of your Excellency's note of to-day's date, which reads as follows :

[As in No. 1.]

I have taken due note of this declaration, with which His Majesty's Governments in the United Kingdom of Great Britain and Northern Ireland, the Commonwealth of Australia, New Zealand, and the Union of South Africa, and the Government of India are in full agreement.

I have, etc.

Claud RUSSELL.

¹ TRADUCTION. — TRANSLATION.

N^o 3269. — CONVENTION ADDITIONNELLE AU TRAITÉ D'EXTRADITION DU 17 OCTOBRE 1892, CONCLUE ENTRE SA MAJESTÉ EN CE QUI CONCERNE LE ROYAUME-UNI, L'AUSTRALIE, LA NOUVELLE-ZÉLANDE, L'AFRIQUE DU SUD ET L'INDE, D'UNE PART, ET LE PRÉSIDENT DE LA RÉPUBLIQUE PORTUGAISE, D'AUTRE PART. SIGNÉE A LISBONNE, LE 20 JANVIER 1932.

SA MAJESTÉ LE ROI DE GRANDE-BRETAGNE, D'IRLANDE, ET DES TERRITOIRES BRITANNIQUES AU DELÀ DES MERS, EMPEREUR DES INDES, et LE PRÉSIDENT DE LA RÉPUBLIQUE PORTUGAISE, Désireux d'amender l'article 3 du Traité d'extradition des criminels fugitifs, signé à Lisbonne le 17 octobre 1892,

Ont résolu de conclure à cet effet une convention additionnelle, et ont désigné pour leurs plénipotentiaires :

SA MAJESTÉ LE ROI DE GRANDE-BRETAGNE, D'IRLANDE ET DES TERRITOIRES BRITANNIQUES AU DELÀ DES MERS, EMPEREUR DES INDES,

POUR LA GRANDE-BRETAGNE ET L'IRLANDE DU NORD :

Son Excellence Sir Claud RUSSELL, ambassadeur extraordinaire et plénipotentiaire de Sa Majesté auprès de la République portugaise ;

POUR LE COMMONWEALTH D'AUSTRALIE :

Son Excellence Sir Claud RUSSELL, ambassadeur extraordinaire et plénipotentiaire de Sa Majesté auprès de la République portugaise ;

POUR LE DOMINION DE NOUVELLE-ZÉLANDE :

Son Excellence Sir Claud RUSSELL, ambassadeur extraordinaire et plénipotentiaire de Sa Majesté auprès de la République portugaise ;

POUR L'UNION DE L'AFRIQUE DU SUD :

Son Excellence Sir Claud RUSSELL, ambassadeur extraordinaire et plénipotentiaire de Sa Majesté auprès de la République portugaise ;

POUR L'INDE :

Son Excellence Sir Claud RUSSELL, ambassadeur extraordinaire et plénipotentiaire de Sa Majesté auprès de la République portugaise ;

LE PRÉSIDENT DE LA RÉPUBLIQUE PORTUGAISE :

Son Excellence le commandant Fernando Augusto BRANCO, ministre des Affaires étrangères ;

¹ Traduit par le Secrétariat de la Société des Nations, à titre d'information.

¹ Translated by the Secretariat of the League of Nations, for information.